

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. Katharine S. Hayden
v. : Crim. No. 06-798
DAVED THOMSON : O R D E R

This matter having come before the Court on the motion of defendant Daved Thomson (Maria Noto, Esq., appearing) for an order granting defendant's pretrial motions to: (1) dismiss the Superseding Indictment; (2) compel the Government to provide unredacted copies of phone bills; (3) compel the Government to produce a list of potential witnesses; (4) compel the Government to disclose any intention to rely on other crimes evidence; (5) to require the Government to preserve agents' rough notes; (6) compel the Government to produce Brady material; (7) compel the Government to produce evidence pursuant to Federal Rule of Evidence 16; (8) compel production of all Jencks Act and Giglio material; (9) suppress evidence derived from electronic surveillance of defendant's communications; (10) schedule a Miranda hearing to determine the admissibility of any statements made by defendant; (11) require a Wade hearing regarding any out-of-court identifications made by defendant; and (12) transfer venue to the Central District of California; and on motion of the United States of America by Ralph J. Marra, Jr., Acting United States Attorney for the District of New Jersey (Ronald D. Wigler

and Ronnell L. Wilson, Assistant U.S. Attorneys, appearing) for an order granting the government's pretrial motions requesting admission of Rule 404(b) evidence in the above matter; and requesting the Court to preclude the defendant from introducing certain prior convictions of co-conspirators at trial in the above matter; and the Court having considered the parties' submissions, and having held a hearing on April 8, 2009; and for good cause shown,

IT IS on this _____ day of April, 2009,

IT IS ORDERED that defendant's motion to dismiss the Superseding Indictment is DENIED;

IT IS FURTHER ORDERED that defendant's motion to compel the Government to provide unredacted copies of phone bills is DENIED as moot;

IT IS FURTHER ORDERED that defendant's motion to compel the Government to produce a list of potential witnesses is MOOT, as the Government has agreed to provide a list of potential witnesses shortly before jury selection in the above matter;

IT IS FURTHER ORDERED that defendant's motion to compel the Government to disclose any intention to rely on other crimes evidence is DENIED as moot, as the Government has already provided such notice in its motion in limine filed on April 2, 2009 in the above matter;

IT IS FURTHER ORDERED that defendant's motion to require the Government to preserve agents' rough notes is DENIED as moot, as

the Government has represented that it has advised its agents to preserve rough notes;

IT IS FURTHER ORDERED that defendant's motion to compel the Government to produce Brady material is DENIED as moot, as the Government has represented that it is not in possession of any Brady material;

IT IS FURTHER ORDERED that defendant's motion to compel the Government to produce evidence pursuant to Federal Rule of Evidence 16 is MOOT, as the Government has complied with its discovery obligations to date;

IT IS FURTHER ORDERED that defendant's motion to compel production of all Jencks Act and Giglio material is MOOT, as the Government agreed to turn over all Jencks and Giglio material for each of its witnesses at least two days before that witness testifies;

IT IS FURTHER ORDERED that defendant's motion to suppress evidence derived from electronic surveillance of defendant's communications is DENIED as moot, as there is no electronic surveillance in the above matter;

IT IS FURTHER ORDERED that defendant's motion to schedule a Miranda hearing to determine the admissibility of any statements made by defendant is hereby WITHDRAWN without prejudice;

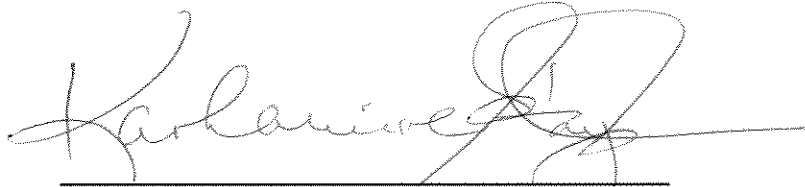
IT IS FURTHER ORDERED that defendant's motion to require a Wade hearing regarding any out-of-court identifications made of the defendant is DENIED as moot, as there were no out-of-court

identifications in the above matter;

IT IS FURTHER ORDERED that defendant's motion to transfer venue to the Central District of California is DENIED;

IT IS FURTHER ORDERED that the Government's motion requesting admission of Rule 404(b) evidence as outlined in the Government's motion in limine and articulated on the record is GRANTED;

IT IS FURTHER ORDERED that the Government's motion requesting the Court to preclude the defendant from introducing certain prior convictions of co-conspirators at trial in the above matter is PRESERVED and will be argued before the Court on April 15, 2009 at 3:00 p.m.

A handwritten signature in dark ink, appearing to read 'Katharine S. Hayden', with a long horizontal line extending to the right.

HONORABLE KATHARINE S. HAYDEN
United States District Judge